



## Research paper

# The deterrent effects of Australian street-level drug law enforcement on illicit drug offending at outdoor music festivals



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## ABSTRACT

**Background:** Australian and international street-level drug law enforcement deploy many strategies in efforts to prevent or deter illicit drug offending. Limited evidence of deterrence exists. This study assessed the likely impacts of four Australian policing strategies on the incidence and nature of drug use and supply at a common policing target: outdoor music festivals.

**Methods:** A purpose-built national online survey (the Drug Policing Survey) was constructed using five hypothetical experimental vignettes that took into account four policing strategies (High Visibility Policing, Riot Policing, Collaborative Policing, and policing with Drug Detection Dogs) and a counterfactual (no police presence). The survey was administered in late 2015 to 2115 people who regularly attend festivals. Participants were block-randomised to receive two vignettes and asked under each whether they would use, possess, purchase, give or sell illicit drugs.

**Results:** Compared to 'no police presence', any police presence led to a 4.6% point reduction in engagement in overall illicit drug offending: reducing in particular willingness to possess or carry drugs into a festival. However, it had minimal or counterproductive impacts on purchasing and supply. For example, given police presence, purchasing of drugs increased significantly within festival grounds. Offending impacts varied between the four policing strategies: Drug Detection Dogs most reduced drug possession but High Visibility Policing most reduced overall drug offending including supply. Multivariate logistic regression showed police presence was not the most significant predictor of offending decisions at festivals.

**Conclusion:** The findings suggest that street-level policing may deter some forms of drug offending at music festivals, but that most impacts will be small. Moreover, it may encourage some perverse impacts such as drug consumers opting to buy drugs within festival grounds rather than carry in their own. We use our findings to highlight trade-offs between the goals of public health promotion and crime control in street-level enforcement.

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## Introduction

Australian and international street-level drug law enforcement is underpinned by the assumption that police can deter or prevent involvement in drug use and trafficking (see for example EMCDDA, 2005; HM Government, 2010; MCDS, 2011). While there has been a lot of attention to deterrent effects of drug laws, for both conceptual and methodological reasons there has remained limited research into the deterrent effects of drug law enforcement

specifically (Babor et al., 2010; Weatherburn, Topp, Midford, & Allsop, 2000). This is problematic as criminological deterrence theories and research have consistently shown that offenders are more likely to be deterred by the certainty of punishment (likelihood of detection) than the severity of punishment (severity of the laws) (Nagin, 2013; Paternoster, 2010). Equally importantly, there is an expanding array of police strategies being deployed in efforts to deter drug offending and growing concerns that many 'deterrent' policing strategies may have adverse public health impacts when deployed at street level settings, such as outdoor music festivals (Duff, 2005; Harris, Edwards, & Homel, 2014; Parker, Aldridge, & Measham, 1998; Shapiro, 1999). In this study we use hypothetical experimental deterrence vignettes to assess the likely impacts of four street-level policing strategies (High

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Visibility Policing, Riot Policing, Collaborative Policing, and policing with Drug Detection Dogs) on the incidence and nature of drug use and supply at outdoor music festivals.

### *The challenge of policing outdoor music festivals*

Outdoor music festivals, defined as events that are oriented around music, sometimes around a specific music genre, run over the course of one or more days and attended by thousands of (predominantly young) music fans, have long been popular sites for leisure, entertainment and socialising (McCarthy, 2013). Studies of drug use and music festivals from across the globe have found that the people who attend music festivals are more likely to have used drugs (Hesse & Tutenges, 2012; Lim, Hellard, Hocking, & Aitken, 2008; Lim, Hellard, Hocking, Spelman, & Aitken, 2010; Martinus, McAlaney, McLaughlin, & Smith, 2010; Measham, Parker, & Aldridge, 1998). For example, Lim et al. (2010) showed that people attending the Big Day Out music festival in Australia were 3.5 times more likely to have used drugs in the last month than the general population. Outdoor music festivals elevate drivers for use due to multiple factors, including the type of music played, the high cost of alcohol within venues, and because social bonding and connectedness is an important part of participation in music festivals (Duff, 2005; Measham et al., 1998). It is thus unsurprising that music festivals are common targets for policing.

Attention to policing of such spaces has grown in Australia in recent years. For example, over the last five years (2011–2015) media mentions about policing, music festivals and drugs have increased three-fold at the national level and eight-fold in one state [New South Wales (NSW)] (Factiva, 2016). Attention has been fuelled by two main factors: first the continued expansion of ‘deterrent’ policing strategies such as drug detection dogs in Australia despite critical evaluation outcomes that such strategies cannot ‘deter’ and ought to be abandoned (NSW Ombudsmen, 2006). For example, the rise in drug detection dogs has been tracked by Lancaster, Hughes, and Ritter (2016), noting that their use continues to be justified on the grounds of the dogs ‘deterrent’ effects on drug use and supply.

The second major factor contributing to a growth in attention to policing is a rise in fatal and non-fatal overdoses and emergency department presentations. In the last two years there were six fatal overdoses at music festivals in Australia including four fatal overdoses between September and December 2015 alone: making it “one of the worst starts to the music festival season in recent memory” (Dale, Klein, Wood, & Black, 2013; Four Corners, 2016b). Moreover, between 2010 and 2015 ecstasy-related presentations by people aged 16–24 at NSW emergency departments almost doubled: increasing from 413 to 814 (NSW Ministry of Health: cited in Four Corners, 2016a). This has culminated in a policy impasse whereby public health advocates have argued police have minimal or no deterrent effect and that their presence at festivals is contributing to the risks of deaths at such events e.g. encouraging hasty consumption of large amounts of pills to avoid police detection (Hickey, McIlwraith, Bruno, Matthews, & Alati, 2012; Sydney Morning Herald, 2015; Unharm, 2015). On the other hand, police have argued they “have a strong deterrence factor” (NSW Police, 2011) and that police presence is essential to reduce drug use and harm at festivals (Sydney Morning Herald, 2015). Such divergent views create an increasing clear need to assess whether police can and do deter drug offending at such settings.

### *The challenge of assessing deterrent effects*

There are some significant methodological challenges in assessing deterrent effects of street-level drug law enforcement. For example, by definition, deterrence means that crime will not

have occurred. This creates a challenge of how to provide a valid counter-factual of how much crime and what type of crime would occur in the absence of policing (Jacobs, 2010; Nagin, 2013). Equally important is how to ensure any reported behavioural change is attributable to the police (as opposed to other unrelated factors that may have shaped an offender’s decision to not offend) (Pogarsky, 2009). For example, one such factor is ‘enforcement swamping’ whereby positive feedback that law violation will not be enforced leads to offending rises as enforcement per incidence falls (Kleiman & Kilmer, 2009; MacCoun, Pacula, Chriqui, Harris, & Reuter, 2008). Such reasons make traditional crime data ill-suited for assessing deterrent effects (Jacobs, 2010; Nagin, 2013). A further challenge is the messy reality of street-level policing. There is now a large number of drug law enforcement approaches and rarely is one mode of policing used at once (Mazerolle, Soole, & Rombouts, 2006). This is problematic for assessments of impacts in real world settings as criminological deterrence theories indicate that deterrent effects of policing strategies can differ, with some having moderate effects and others negligible effects (Kennedy, 2010). A skewed impression could thus be drawn by assessing multiple strategies at once. A final challenge is that, by definition, each person who attends festivals can have a different experience of policing, due to factors such as fluctuations in numbers of police throughout the day, and the attendee choice of festival entrance (e.g. VIP or general admission). This makes it difficult to provide a controlled environment to assess the impacts of policing vis-à-vis other factors that shape offending behaviour.

In 2014 we piloted a new approach to assessing deterrent effects of street-level drug law enforcement. Specifically, we used an online survey involving three hypothetical experimental deterrence vignettes (involving police presence with drug detection dogs, police presence without drug detection dogs and a control: no police presence) to assess the impact of drug detection dogs on youth intentions to use illicit drugs at outdoor music festivals in NSW. By administering the survey to 513 patrons who regularly attend festivals, we found that police presence with drug detection dogs led to 9.5% fewer patrons saying they would use illicit drugs (compared to no police presence) (Hughes, Weatherburn, & MacCoun, 2015). As a pilot there were limitations: a focus on NSW, one police strategy, and a limited range of outcome variables (use and possession). This study expands on this by employing a national survey to assess deterrent impacts from multiple policing strategies across use, purchase and supply outcomes.

### *Aims/hypotheses*

This study examined the ways in which different Australian policing strategies impact on drug use and supply at outdoor music festivals using hypothetical experimental deterrence vignettes. Specifically, the study aimed to:

- a) Measure the impacts of four Australian policing strategies (High Visibility Policing, Riot Policing, Collaborative Policing, and policing with Drug Detection Dogs) on decisions to use, possess, purchase, give or sell illicit drugs at outdoor music festivals;
- b) Identify which specific police strategy most (and least) reduces offending engagement in illicit drug offending; and
- c) Identify the relative role of policing vis-à-vis other factors in shaping drug offending.

Consistent with criminological deterrence theories (Jacobs, 2010; Nagin, 2013) and the findings from our pilot study (Hughes et al., 2015) it is hypothesised that some Australian policing strategies will be able to deter drug offending behaviour at outdoor

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